IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.2229 OF 2007
IN
APPEAL NO.413 OF 2007
IN
NOTICE OF MOTION NO.3820 OF 2006
IN
SUIT NO.3151 OF 2006

M/s. Shah & Jhaveri Developers .... Appellants
Vs.
M/s. Classic Developers Pvt. Ltd. & Anr. .... Respondents

Sarvasri Aspi Chinoy, Senior Advocate & F.E. D'vitre, Senior Advocate with J.P. Sen and Narayan Sahu i/b M/s. S.K. Srivastav & Co. for the Appellants.

Sarvasri Ravi Kadam, Senior Advocate with Ms Snehal Shah i/b Y.R. Shah for the Respondent No.1.

Sarvasri V.A. Thorat, Senior Advocate with R.A. Thorat, P.J. Thorat and R.D. Thorat for the Respondent No.2.

CORAM: R.M.S. KHANDEPARKAR &
S.R. SATHE, JJ.

DATED: JUNE 21, 2007

P.C:

Heard the learned senior counsel for the parties. Considering the facts and circumstances of the case and the impugned order passed by the learned single Judge sufficiently protects the interest of the appellants, we do not find any case having been made out for grant of any additional interim relief during the pendency of the appeal. It is also to be noted that the

impugned order records that prior to filing of the suit and during the pendency of the suit, certain third party rights appear to have been created. In the circumstances, as observed by the learned single Judge in the impugned order, the creation of third party rights subsequent to the filing of the appeal shall be subject to the decision in the appeal. With this limited relief, the notice of motion stands disposed of.

(S.R.Sathe, J.) (R.M.S.Khandeparkar, J.)

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